

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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ADAM ISAAH HUDSON,	:	
Plaintiff,	:	
	:	
v.	:	No. 2:18-cv-02653
	:	
ANDREW M. SAUL, <sup>1</sup> COMMISSIONER	:	
OF SOCIAL SECURITY ADMINISTRATION,	:	
Defendant.	:	

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**ORDER**

**AND NOW**, this 18<sup>th</sup> day of October, 2019, upon consideration<sup>2</sup> of Plaintiff's Complaint, ECF No. 2; Defendant's Answer, ECF No. 6; the Administrative Record, ECF No. 7; Plaintiff's Brief and Statement of Issues in Support of Request for Review, ECF No. 10; Defendant's Response to Request for Review, ECF No. 11; Plaintiff's Reply, ECF No. 14; and

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<sup>1</sup> On June 4, 2019, Andrew M. Saul became the Commissioner of the Social Security Administration. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Andrew M. Saul shall be substituted as the defendant in this case.

<sup>2</sup> When neither party objects to a magistrate judge's report and recommendation, the district court is not statutorily required to review the report, under de novo or any other standard. *See* 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 152 (1985). Nevertheless, the United States Court of Appeals for the Third Circuit has held that it is better practice to afford some level of review to dispositive legal issues raised by the report. *See Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987), *writ denied* 484 U.S. 837 (1987). "When no objections are filed, the district court need only review the record for plain error or manifest injustice." *Harper v. Sullivan*, No. 89-4272, 1991 U.S. Dist. LEXIS 2168, at \*2 n.3 (E.D. Pa. Feb. 22, 1991). *See also Hill v. Barnacle*, No. 15-3815, 2016 U.S. App. LEXIS 12370, at \*16-17 (3d Cir. 2016) (holding that even when objections are filed, district courts "are not required to make any separate findings or conclusions when reviewing a Magistrate Judge's recommendation de novo under 28 U.S.C. § 636(b)"); *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (explaining that in the absence of a timely objection, the court should review the magistrate judge's report and recommendation for clear error). "A 'plain' error is one that is 'clear' or 'obvious.'" *Gov't of the V.I. v. Lewis*, 620 F.3d 359, 364 (3d Cir. 2010). The district court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1)(C).

the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, ECF No. 16, **IT IS ORDERED THAT:**

1. The Report and Recommendation, ECF No. 16, is **APPROVED and ADOPTED.**<sup>3</sup>
2. Plaintiff's Request for Review, ECF No. 10, is **GRANTED**, and the decision of the Commissioner of the Social Security Administration is **REVERSED** to the extent that the matter is **REMANDED** to the Commissioner under sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendation.
3. Andrew M. Saul is **SUBSTITUTED** for Nancy A. Berryhill as the defendant in this case.
4. This case is **CLOSED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge

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<sup>3</sup> The Court does not find any plain error in the Magistrate Judge's proposed factual findings or legal conclusions.